

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Scott Wlaschin

Patent No. 5,790,848

Issued: August 4, 1998

Application No.: 08/384,706

For: Method and Apparatus for Data  
Access and Update in a Shared File  
Environment

Attorney Docket No. 026559-000100US

PETITION UNDER 37 C.F.R. §1.377 TO  
ACCEPT AND APPLY MAINTENANCE  
FEE

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

For the above-cited issued patent, the window for payment of the first maintenance fee (3.5 year fee) was August 4, 2001 to August 4, 2002 and the window for payment of the second maintenance fee (7.5 year fee) was August 4, 2005 to August 4, 2006. The payment for the first maintenance fee was not made within the window, but a petition to revive was filed and granted. According to PAIR, the petition was filed on August 22, 2005 with payment of the first maintenance fee, but the petition was not accepted by the U.S. Patent and Trademark Office ("USPTO") until September 11, 2006, which is after the window to pay the second maintenance fee closed, on August 4, 2006. Notwithstanding the late acceptance of the petition, Applicants paid the 7.5 year maintenance fee on January 6, 2006.

Applicant hereby requests that the 7.5 year maintenance fees paid by Applicant and received by the USPTO be accepted and recorded as payment for the 7.5 year maintenance fee for the above-cited patent.

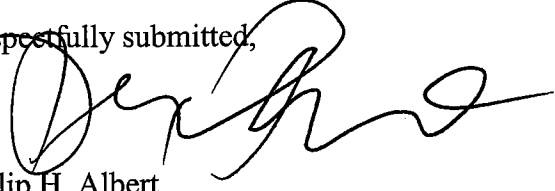
Although Applicant believes that the USPTO made an error in not applying and recording the maintenance fee for the above-cited patent at the time it was received, in order that the Commissioner review the matter, Applicant authorizes charging the Petition Fee of \$200.00 under 37 CFR 1.377 be charged to the Deposit Account No. 20-1430.

Scott Wlaschin  
Patent No. 5,790,848  
Issued: August 4, 1998  
Application No.: 08/384,706

PATENT

Applicant also requests a refund of the Petition Fee if the Commissioner concurs that not accepting and recording the maintenance fee was due to a USPTO error.

Respectfully submitted,



Date: 11 OCT, 2006

Philip H. Albert  
Reg. No. 35,813

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (650) 326-0200  
Fax: (650) 326-2422

PHA/psc  
60887430 v1